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10/547,664	10/05/2005	Seiji Kiriyama	09867/0203329-US0	7179
7278	7590	12/14/2009	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			RENWICK, REGINALD A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

1. The Applicant has argued that the 112 rejection made regarding claim 2 is improper because there is direct evidence within the specifications that identify the side wall as being the location of the ejection port (0029). The examiner cited another paragraph that stated that the ejection port may be provided on the rear wall. Applicant states that paragraph 0008 of the specifications identifying the rear wall as the location of the ejection port was an error due to poor translation. Even without the new specifications, the examiner should have interpreted the different paragraphs as two different embodiments. The 112 rejection is traversed.

The Applicant has also argued that 25c of Keiji does not teach a protrusion portion "so that medals ejected from the medal ejection port fall on a tapered portion of the protrusion portion." Instead the Applicant identifies 25c as a separation acceleration part. The examiner believes this is not true as object 25c clearly protrudes away from the rear wall and is between the ejection port and the bottom wall of the tray. As shown by the figures in Keiji the protrusion part prevents the collection of medals on the bottom of the tray, where according to the pictures no coins fall within the corner beneath the protrusion.

The Applicant has also argued against the 103 rejection made in which they state that under the corrected specifications, there is no basis for a design choice rejection. However, the design choice rejection was made using the previous specifications for rationale. The examiner can not presume the correctness of the specifications and must

use the words as presented for proper examination. A changed specification that changes the scope of the original specifications is new matter, and cannot be entered.

However, even when entered the specifications do not overcome the design choice rejection, because the specifications do not provide an added benefit to the placement of the ejection port that is not readily available to one of ordinary skill in the art. Clearly, placing the ejection port either on the rear wall, as shown in Keiji, or on the side wall, as in the instant application, prevents coins from collecting on the rear wall.

/Corbett Coburn/
Primary Examiner
AU 3714